

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 20-cr-20162

Honorable Linda V. Parker

v.

D-2 RAEF HAMEAD, R.Ph.,
D-3 TAREK FAKHURI, R.Ph.,
D-4 KINDY GHUSSIN, R.Ph.,
D-6 ALI ADBELRAZZAQ, R.Ph.,

Defendants.

**ORDER GRANTING DEFENDANT’S MOTION TO PERMIT
ATTORNEY-CONDUCTED VOIR DIRE AND IMPLICIT BIAS
TRAINING (ECF NO. 180)**

This matter is before the Court on Defendant Tarek Fakhuri’s motion to permit attorney-conducted *voir dire* and playing an implicit bias training video for the jury. (ECF No. 180.) Defendants Hamead, Ghussin and Abdelrazzaq join in Defendant Fakhuri’s motion. (See ECF Nos. 181, 182, and 183.) While the Government does not agree with Defendants’ underlying principle that the risk of implicit bias is heightened in this action, the Government agrees that the parties should be involved in *voir dire* of potential jurors. (See ECF No. 184 at PageID. 924.)

Pursuant to Federal Rule of Criminal Procedure 24(a)(1), the Court “may examine prospective jurors or may permit the attorneys for the parties to do so.” See also *Rosales-Lopez v. United States*, 451 U.S. 182, 189 (1981) (“Because the

obligation to impanel an impartial jury lies in the first instance with the trial judge, and because [they] must rely on [their] immediate perceptions, federal judges have been accorded ample discretion in determining how to best conduct the *voir dire*.”)

Having reviewed the motion, the Court will permit the attorneys, to conduct *voir dire*, subject to reasonable time limits, to be placed on the record before jury selection.

Further, Defendants ask the Court to show an unconscious bias video commissioned by a committee of judges and attorneys in the U.S. District Court for the Western District of Washington. The Western District of Washington shows the video to each potential juror prior to jury selection in all cases. The video explains how unconscious bias can negatively impact perception. It instructs jurors to consider the assumptions they bring and asks them to be aware of those assumptions throughout the trial. The video has been played in this District, as well as other districts prior to jury selection. *See United States v. Ramadan*, No. 17-20595, 2021 WL 2895568, at *4 (E.D. Mich. July 9, 2021) (collecting cases).

In an effort to ensure Defendants receive a full and fair trial, the Court will permit the playing of the implicit bias video.

Accordingly,

IT IS ORDERED that Defendants’ Motion to Permit Attorney-Conducted

Voir Dire and Implicit Bias Training (ECF No. 180) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 9, 2024